

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	
)	
Liu)	Before the Examiner
)	Not yet known
Serial No. Filed Herewith)	
)	Group Art Unit
Filed June 11, 2003)	Not yet known
)	
SPINAL IMPLANT METHOD AND CUTTING)	
CUTTING TOOL PREPARATION ACCESSORY)	
FOR MOUNTING THE IMPLANT)	

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450


Sir:

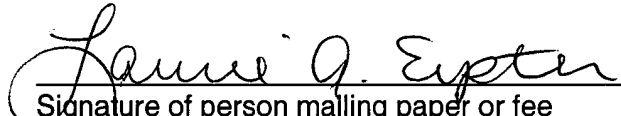
Pursuant to the duty of disclosure in accordance with 37 CFR §1.56, Applicant wishes to bring to the attention of the Examiner the patents, publications, and/or other information listed on the attached PTO Form 1449 (modified). All the references listed on the attached Form were cited in the pending priority US application. Consequently, copies of these references have not been included with this Statement. Should the Examiner desire copies of the references, the undersigned attorney will gladly forward them.

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b).

This Statement is being submitted concurrently with the filing of the application. It is believed that no fee is required for consideration of the submitted items. Should any fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By: 
James B. Myers Jr., Reg. No. 42,021
Woodard, Emhardt, Moriarty, McNett & Henry LLP
3700 Bank One Center Tower
111 Monument Circle
Indianapolis, IN 46204-5137
(317) 634-3456

Express Mail Label No.	EV 332718269 US	Date of Deposit	July 10, 2003
I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the date indicated above and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450			
 Signature of person mailing paper or fee			

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				<i>Complete if Known</i>	
				Application Number	Filed Herewith
				Filing Date	
				First Named Inventor	Liu
				Group Art Unit	
				Examiner Name	
Sheet	1	of	2	Attorney Docket No.	4002-3300

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (If known)			
	1	4,349,921	09-1982	Kuntz	
	2	4,834,757	05-1989	Brantigan	
	3	4,936,848	06-1990	Bagby	
	4	5,015,247	05-1991	Michelson	
	5	5,062,845	11-1991	Kuslich et al.	
	6	5,190,548	03-1993	Davis	
	7	5,250,061	10-1993	Michelson	
	8	5,304,191	04-1994	Gosselin	
	9	5,306,309	04-1994	Wagner et al.	
	10	5,425,772	06-1995	Brantigan	
	11	5,443,514	08-1995	Steffee	
	12	5,445,639	08-1995	Kuslich et al.	
	13	5,458,638	10-1995	Kuslich et al.	
	14	5,484,437	01-1996	Michelson	
	15	5,499,984	03-1996	Steiner et al.	
	16	5,607,424	03-1997	Tropiano	
	17	5,609,635	03-1997	Michelson	
	18	5,609,636	03-1997	Kohrs et al.	
	19	5,669,909	09-1997	Zdeblick et al.	
	20	5,683,463	11-1997	Godefroy et al.	
	21	5,720,749	02-1998	Rupp	
	22	5,766,252	06-1998	Henry et al.	
	23	5,782,830	07-1998	Farris	
	24	5,857,995	01-1999	Thomas et al.	
	25	5,888,224	03-1999	Beckers et al.	
	26	5,888,227	03-1999	Cottle	
	27	5,893,890	04-1999	Pisharodi	
	28	6,080,158	06-2000	Lin	
	29	6,083,225	07-2000	Winslow et al.	
	30	6,159,214	12-2000	Michelson	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				<i>Complete if Known</i>	
				Application Number	Filed Herewith
				Filing Date	
				First Named Inventor	Liu
				Group Art Unit	
				Examiner Name	
Sheet	2	of	2	Attorney Docket No.	4002-3300

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ² -Number ³ -Kind Code ⁴ (if known)				
	31	EP 0493698B1	07-1992			
	32	EP 0637440A1	02-1995			
	33	WO 95/08306	03-1995			
	34	EP 0646366A1	04-1995			
	35	FR 9504789A1	03-1996			
	36	FR 2724312	03-1996			
	37	FR 9414068A1	05-1996			
	38	FR 2727004	05-1996			
	39	WO 96/27348	09-1996			
	40	FR 9508413A1	01-1997			
	41	FR 2736538	01-1997			
	42	WO 97/06753	02-1997			
	43	FR 2760355A1	03-1997			
	44	FR 2742044	06-1997			
	45	WO 97/234174	07-1997			
	46	EP 0834295A1	04-1998			

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i> Page 1 of 2	ATTY. DOCKET NO. 4002-2167	SERIAL NO. 09/420,622
	APPLICANT Mingyan Lui et al.	
	FILING DATE October 19, 1999	GROUP 3748

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	5,062,845	11/1991	Kuslich et al.	606	80	
	5,190,548	3/1993	Davis	606	80	
	5,250,061	10/1993	Michelson	606	160	
	5,306,309	4/1994	Wagner et al.	623	17	
	5,443,514	8/1995	Steffee	623	17	
	5,445,639	8/1995	Kuslich et al.	606	80	
	5,458,638	10/1995	Kuslich et al.	623	17	
	5,499,984	3/1996	Steiner et al.	606	80	
	5,607,424	3/1997	Tropiano	606	61	
	5,609,635	3/1997	Michelson	623	17	
	5,609,636	3/1997	Kohrs et al.	623	17	
	5,683,463	11/1997	Godefroy et al.	623	17	
	5,720,749	2/1998	Rupp	606	79	
	5,766,252	6/1998	Henry et al.	623	17	
	5,857,995	1/1999	Thomas et al.	604	22	
	5,888,224	3/1999	Beckers et al.	606	60	

FOREIGN DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	
	WO 95/08306	3/1995	PCT			
	0 646 366 A1	4/1995	Europe			
	0 637 440 A1	2/1995	Europe			
	95 04789 A1	3/1996	France			
	94 14068 A1	5/1996	France			
	95 08413 A1	1/1997	France			

EXAMINER	DATE CONSIDERED
----------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

Page 1 of 2

ATTY. DOCKET NO.
4002-2167

SERIAL NO.
09/420,622

APPLICANT
Mingyan Liu et al

FILING DATE
October 19, 1999

GROUP
3748

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
	5,015,247	5/1991	Michelson	606	61	
	5,062,845	11/1991	Kuslich et al.	606	80	
	5,190,548	3/1993	Davis	606	80	
	5,250,061	10/1993	Michelson	606	160	
	5,306,309	4/1994	Wagner et al.	623	17	
	5,443,514	8/1995	Steffee	623	17	
	5,445,639	8/1995	Kuslich et al.	606	80	
	5,458,638	10/1995	Kuslich et al.	623	17	
	5,484,437	1/1996	Michelson	606	61	
	5,499,984	3/1996	Steiner et al.	606	80	
	5,607,424	4/1997	Tropiano	606	61	
	5,609,635	3/1997	Michelson	623	17	
	5,609,636	3/1997	Kohrs et al.	623	17	
	5,669,909	9/1997	Zdeblick et al.	606	61	
	5,683,463	11/1997	Godefroy et al.	623	17	
	5,720,749	2/1998	Rupp	606	79	
	5,766,252	6/1998	Henry et al.	623	17	
	5,782,830	7/1998	Farris	606	61	
	5,857,995	1/1999	Thomas et al.	604	22	
	5,888,224	3/1999	Beckers et al.	606	60	

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)	ATTY. DOCKET NO. 4002-2167	SERIAL NO. 09/420,622
	APPLICANT Mingyan Liu et al	
	FILING DATE October 19, 1999	GROUP 3748

Page 2 of 2

FOREIGN DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO96/27348	9/1996	PCT				
	WO95/08306	3/1995	PCT				
	0493698 B1	7/1992	Europe				
	0637440A1	2/1995	Europe				
	0646366A1	4/1995	Europe				
	2724312	3/1996	France				
	2727004	5/1996	France				
	2736538	1/1997	France				

EXAMINER	DATE CONSIDERED
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	

INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

Page 1 of 2

ATTY. DOCKET NO.
4002-2167

SERIAL NO.
J9/420,622

APPLICANT
Mingyan Liu et al

FILING DATE
October 19, 1999

GROUP
3748

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
	5,888,227	3/1999	Cottle	623	17	
	5,893,890	4/1999	Pisharodi	623	17	
	6,080,158	6/2000	Lin	606	61	

FOREIGN DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	2736538	1/1997	France			X	

EXAMINER

DATE CONSIDERED

***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Page 1 of 1	ATTY. DOCKET NO. 4002-2167	SERIAL NO. 09/420,622
	APPLICANT Mingyan Liu	
	FILING DATE October 19, 1999	GROUP 3748

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
	4,936,848	6/1990	Bagby	623	17	
	5,304,191	4/1994	Gosselin	606	172	
	5,425,772	6/1995	Brantigan	623	17	
	5,669,909	9/1997	Zdeblick et al.	606	61	

FOREIGN DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 97/234174	7/1997	WIPO			X	
	0 834 295 A1	4/1998	European Pat. Off.				X
	2 724 044	6/1997	France				X

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER	DATE CONSIDERED

***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Notice of References Cited	Application/Control No. 09/420,622	Applicant(s)/Patent Under Reexamination LIU ET AL.	
	Examiner Thomas C. Barrett	Art Unit 3738	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification	
	A	US-4,834,757	05-1989	Brantigan	623	17
	B	US-				
	C	US-				
	D	US-				
	E	US-				
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification	
	N						
	O						
	P						
	Q						
	R						
	S						
	T						

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Page 1 of 1	Atty. Docket No.	Serial No.
	4002-2167	09/420,622
	Applicant	
	Mingyan Liu et al	
	Filing Date	Group
	October 19, 1999	3738

U.S. PATENT DOCUMENTS

*Examiner Initial		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	Filing Date If appropriat
	1	6,083,225	07/04/00	Winslow et al.	606	61	
	2	6,159,214	12/12/00	Michelson	606	80	
	3						
	4						
	5						
	6						
	7						
	8						
	9						
	10						
	11						
	12						
	13						
	14						
	15						
	16						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							Yes	No
		FR 2 760 355 - A1	03/07/97	France				X

Examiner

Date Considered

*Examiner: initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

Notice of References Cited	Application/Control No. 09/420,622	Applicant(s)/Pat nt Under Re xamination LIU ET AL.	
	Examiner Thomas C. Barrett	Art Unit 3738	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	WO 97/06753	02-1997	DE	Zientek	A61F 2/44
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.